

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 122 OF 2006

V. ANJANEYULU

.....

APPELLANT

VERSUS

STATE OF A.P.

.....

RESPONDENT

O R D E R

1. We have heard the learned counsel for the parties.
2. The accused stands convicted for offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. The trial court has found on the evidence of P.Ws. 1, 2 and 5 particularly, P.W. 2 who is a truly independent witness that the bribe money had been delivered to the appellant for the sanction of the margin money for the loan sought by the complainant for the purchase of a vehicle. This finding has been reiterated by the High Court in appeal. In the course of the hearing before us, some doubt was sought to be created to the evidence of P.W. 1 inasmuch as that he was a habitual complainant as he had lodged a complaint in some other matter as well which had led to a prosecution under the Prevention of Corruption Act. We are of the opinion

that merely because P.W. 1 had made a complaint in some other case and a prosecution has been initiated would not mean that the present prosecution was to be treated as a motivated one. We also see that P.W. 2 is a truly independent witness and had no connection either with the complainant or with the appellant as he was an employee of the Weights and Measures Department. It must also be noted that if the tainted money is recovered from the person of an accused a presumption under Section 20 has to be raised against him and it is for the accused to rebut such presumption. In his statement under Section 313 of the Code of Criminal Procedure, the appellant had made a statement that the money had been thrust into his pocket by the complainant i.e. P.W. 1 but when D.W.-1 appeared to support this version he had nothing to say on this aspect. In other words, the money having been recovered from the pocket of the appellant a presumption under Section 20 of the Prevention of Corruption Act must be raised. Two Courts have found against the appellant. We see no reason to hold otherwise.

3. Dismissed.

J

.....

[HARJIT SINGH BEDI]

J

.....

[CHANDRAMAULI KR. PRASAD]

**NEW DELHI
OCTOBER 27, 2010.**

